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DECLARATION

Please amend the application by replacing the Declaration with that enclosed herewith. The symbols "HT" in the prior declaration were an abbreviation for "Haiti." However, the Inventor has since become a US citizen, which fact is reflected in the new Declaration.

AMENDMENTS TO CLAIMS

Please replace claims 1, 8, and 13 with the following. Please add claims 14 - 18, which immediately follow claim 13 below.

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1. A method of operating a web site, comprising:
a) identifying a first visitor to the web site;
b) performing first background research on the first visitor;
c) based on the background research, selecting first information from a collection of information; and
d) transmitting the first information to the first visitor.

8. Method according to claim 5, wherein the selected characteristics comprise specific identity of the visitor.

13. A method of operating a web site, comprising:
a) receiving an inquiry from a visitor to the web site;
b) making an estimate of selected characteristics of the visitor;
c) asking the visitor whether customer-specific information is desired and, if so, deriving customer-specific information from a collection of information based on the estimate;
d) based on the inquiry, selecting second information from the collection; and
e) compiling the customer-specific information and the second information into a message, and transmitting the message to the visitor.

14. Method according to claim 1, wherein the first

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information is made visible to the first visitor.

15. Method according to claim 2, wherein the second information is made visible to the second visitor.

16. Method according to claim 5, wherein the first and second information are made visible to the visitor.

17. Method according to claim 10, wherein the visitor-specific information and the response information are made visible to the visitor.

18. Method according to claim 13, wherein the first and second information are made visible to the visitor.

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RESPONSE TO 102 - REJECTION OF CLAIMS 1, 2, 5, 6, and 8 - 11

Claim 1

The claims identified immediately above were rejected on grounds of anticipation, based on the Javascript reference. Claim 1 recites:

1. A method of operating a web site, comprising:
 - a) identifying a first visitor to the web site;
 - b) performing background research on the first visitor;
 - c) based on the background research, selecting first information from a collection of information; and
 - d) transmitting the first information to the first visitor.

Claim 1(b) and (c) not Shown in Reference

These claim passages are here repeated:

- b) performing background research on the first visitor;
- c) based on the background research, selecting first information from a collection of information;

Point 1

Applicant points out that, in Javascript, any "selecting first information" from the "collection" is not done "**based on** the background research." The cookies in Javascript do not work that

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way.

Instead, in Javascript, when the user's browser logs into a web site, the web site looks in the browser's "cookie jar" for a cookie bearing the web site's name. That is, the web site examines the stored cookies, and looks for the one which belongs to the web site. When the cookie is found, the web site examines the "name portion," retrieves the name if present, and displays it.

That retrieval of the name is not described by claim 1(b) and (c). That retrieval is not "based on" any "background research."

Point 2

The group of claims 1(a), (b), and (c) is not found in that name-retrieval process in the Javascript reference.

Claims 1(a) and (b) are not necessary for that retrieval process. The only thing required for the PTO's supposed background research (ie, locating the name of the user) is locating a cookie containing a name.

Since claims 1(a) and (b) are not needed for that process, then it is reasonable to presume that they are not present in the reference. It then becomes incumbent on the PTO to overcome this presumption.

Point 3

Applicant points out that claim 1(a) is not actually found in

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the reference. The use of a "cookie" does not actually identify a visitor to a web site, as will now be explained, by way of example.

EXAMPLE 1

A cookie does not actually identify the user of the computer, even though the Javascript reference states that the user's name may be stored in the cookie. A cookie does something **completely different**.

A cookie acts like a small note, made by a web site, which the web site stores within a user's computer. The cookie also contains the name of the web site, so that the web site can retrieve the cookie at a later time.

To repeat: the cookie contains the name of the web site (so the web site knows which cookie belongs to it) and the cookie may contain the name of a user.

Assume the name Jack Jones is placed into the cookie. The mere presence of that name does not, and cannot, identify the person using the computer at a later date. For instance, assume that Jack Jones' wife visits the same web site. How does the web site know that the wife is visiting the web site, rather than Jack Jones ? The web site determines the name from the cookie, and the cookie does not name the wife.

The web site does not know the name of the wife.

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Therefore, the cookie does not actually identify the visitor to the web site. In the present context, the cookie actually does the following. If it contains a name, that fact only indicates that the name was entered by a person who

- 1) previously visited the web site which placed the cookie and
- 2) used the browser currently storing the cookie.

That fact does not indicate the identity of a later visitor, as the wife-example above indicates.

EXAMPLE 2

Cookies are specific to the operating system used. Assume that I have two operating systems on my computer, Windows and Linux. If I visit a web site using a browser running under Windows, that web site may place a cookie into the "cookie jar" in Windows. But if I then visit the same web site, but using a browser running under Linux, that browser will not know of the cookie, and the web site cannot use the cookie.

Thus, again, the cookie does not identify me, if I use another browser.

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EXAMPLE 3

Assume an Internet browser which is present in a public library. Patron A visits a web site, which places a cookie as recommended by Javascript. Then Patron B visits the same web site.

The web site will mis-identify Patron B as Patron A.

INTERIM CONCLUSION

A cookie, in general, contains information stored by a web site at a previous time in history. The cookie contains the name of the web site, so that the web site can retrieve the cookie.

That situation cannot possibly identify future visitors to the web site, based on the cookie. As an extreme example, people who are not born at the time the cookie was created can use the browser containing the cookie to visit the web site. The cookie cannot possibly identify those unborn people.

Point 4

Claim 1(b) recites:

b) performing background research on the first visitor;

The PTO reads this claim passage onto the process of looking up the name, located in the "name portion," of the cookie. However, at least two problems arise in this reading.

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PROBLEM 1

The PTO is reading claim 1(a) and (b) onto the **same element in Javascript**. That is, the PTO asserts that the identification of claim 1(a) is found in looking up the "name portion" of the cookie. The PTO also asserts that the "background research" of claim 1(b) is found in the same operation.

That is double-counting, and double-counting is not allowed.

MPEP § 2131 states:

A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Two **different** elements in Javascript must be found to show these two different claim recitations.

PROBLEM 2

The claimed "performing background research on the . . . visitor" cannot refer to looking up a name in a cookie.

Assuming arguendo that the name-in-the-cookie correctly identifies the visitor, looking up that name does not amount to "background research." One reason is that, in order to perform the "background research," you **first** need to know the identity of the

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subject of the research. Javascript obtains that name from the cookie.

Identifying the subject does not qualify as researching "background" on that subject. That identification is a necessary prerequisite to starting the research.

Another reason is that, as a minimum, two pieces of information must be present: (1) the identity of the person whose background is sought and (2) some "background" on that person. Applicant requests that both these pieces of information be identified in Javascript.

The name found in the cookie cannot qualify as both (1) the identity and (2) the background.

Claim 2

The preceding applies to claim 2.

Point 1

In addition, the PTO's interpretation of claims 1 and 2 creates a situation which is impossible in Javascript.

Assume Jack Jones is the "first visitor" of claim 1. Assume that his wife uses his computer to visit "the web site" of claim 2, which is the same web site of claim 1.

How does "the web site" obtain "second information which is different from the first information" ?

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It does not. When the wife visits the web site, "the web site" of claim 2 retrieves the name "Jack Jones," and incorrectly greets the wife with that name. There is no "second information which is different from the first information."

Point 2

Claim 2, as applied by the PTO, requires that the "collection of information" contain both

- 1) the name of the "first visitor"
and
2) the name of the "second visitor."

Applicant requests an explanation of how this is possible.

Applicant points out that, if a single computer is involved, then the claimed web site stores a single cookie. Javascript states that the cookie contains a **single** name.

If multiple computers, operated by multiple visitors, are involved, then, of course, multiple cookies are present. However, in that case, no "collection," as claimed, is present.

One reason is that claim 2 states that the "second information" is "selected" from the "collection." For that language to apply to claim 2, all the cookies must be treated as the "collection."

That is simply not a reasonable interpretation. The web site does not retrieve data from one cookie, in one computer, and

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deliver it to another computer. Thus, cookies in other computers are not really part of any "collection." That is, if data cannot be "selected" from another cookie in another computer, then that other cookie is not part of any "collection" from which selection is possible.

Claim 5

The discussion of claims 1 and 2 apply to claim 5.

In addition, claim 5 recites:

5. A method of operating a web site, comprising:

- a) receiving an inquiry from a visitor to the web site;
- b) estimating whether the visitor possesses selected characteristics;
- c) based on the estimate, selecting first information from a collection of information;
- d) in response to the inquiry, selecting second information; and
- e) compiling the first and second information into a message, and transmitting the message to the visitor.

Even assuming arguendo that the PTO's application of claim 5 to Javascript is correct, claim 5(e) has not been shown.

The "message" of claim 5(e) contains two parts, namely, the "first information" and the "second information."

-- The former was "selected" "based on the

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estimate."

-- The latter was "selected" "in response to the inquiry."

The PTO has not shown that in Javascript.

Instead, the PTO asserts that "frames" which are displayed in Javascript correspond to the "first" and "second" "information." That is simply not so.

"Frames" appear to be mini-windows, or "panes" in a window. That is, a window can contain, for example, four documents, each in its own "frame."

But the claimed "selection" of each "frame" (ie, "based on the estimate" and "in response to the inquiry") has not been shown in Javascript.

Also, the Office Action has not identified the "inquiry" of claim 5(a). Applicant requests that the "inquiry" be identified.

Claim 6

Claim 6 recites:

6. Method according to claim 5, wherein the message comprises a web page.

The Office Action asserts that claim 6 is shown in the Javascript discussion of

- 1) a cookie which contains user preferences

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for viewing a web page

and

2) when a web page is visited, the web page
is displayed according to those preferences.

However, claim 6 does not recite that.

One reason is that claim 6 does not discuss manner-of-display
at all.

A second reason is that claim 6 states that the "message" of
claim 5 includes a "web page." But it was shown that the claimed
"message" is not present in claim 5. Thus, the included "web page"
of claim 6 cannot be present.

In addition, it appears that the PTO is asserting that the
mere inclusion in the message of instructions on how to display
content of the message, but not displaying the instructions
themselves, qualifies under claim 6. Applicant submits that this
cannot be so. The Specification plainly indicates that all the
recited information is displayed to the user.

Claim 8

Claim 8 is considered patentable, based on its parent.

Claim 9

Claim 9 recites:

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9. Method according to claim 8, wherein the selected characteristics contain no characteristics in addition to the specific identity of the individual.

The PTO is making self-contradictory rejections.

The PTO previously asserted, in rejecting claim 5, that user "preferences" qualify as the claimed "characteristics."

Now, the PTO asserts that such "preferences" are not present.

Claim 10

Claim 10 recites:

10. A method of operating a web site, comprising:

- a) receiving an inquiry from a visitor to the web site;
- b) ascertaining identity of the visitor;
- c) based on the identity, deriving visitor-specific information;
- d) based on the inquiry, deriving response information; and
- e) compiling the visitor-specific information and the response information into a message, and transmitting the message to the visitor.

Point 1

Applicant points out that the PTO is treating elements such as a user's preferences for viewing a web site as the "visitor-specific information" of claim 10(c). However, claim 10(e) states

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that the "visitor-specific information" is placed into a message, which is transmitted to the visitor.

Applicant respectfully submits that the PTO's treatment makes little sense, as an example will illustrate.

Assume that the user's preferences are something like the following:

Blue background
12-point font
Times Bold font
Red text
480 x 640 screen size
etc.

These preferences indicate how the user wishes the message to be displayed.

Under the PTO's interpretation, the "message" of claim 5 would contain something like the following:

"Hello, visitor, your preferences are the following:

Blue background
12-point font
Times Bold font
Red text
480 x 640 screen size
etc."

Applicant submits that this interpretation cannot be justified. Why would the user wish to receive a message telling him of his preferences ?

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Point 2

The PTO is treating the "targeting" of Javascript as the claimed "inquiry." However, "targeting," in essence, merely specifies **where** on a display a requested web page is positioned. That is, the user clicks a button, calling for another web page, such as a catalog page. "Targeting" determines where, on the user's display, the catalog page appears.

Applicant points out that this process does not correspond to the claim language, which is

- a) receiving an inquiry from a visitor to the web site;
- . . .
- d) based on the inquiry, deriving response information.

Displaying a web page in a particular place, as in Javascript, in response to a user's request is not "deriving response information" as claimed.

Claim 11

Claim 11 recites:

11. Method according to claim 10,
wherein the message comprises a web page.

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Point 1

Applicant points out that the Office Action is self-contradictory. In rejecting claim 10, the Office Action asserted that the web page delivered in response to the user's request was the "response information" of claim 10. Thus, by that reasoning, since the "response information" is contained in the "message," the "message" contains a web page.

But the Office Action relies on using a cookie to determine user preferences, and to display a web page in accordance with those preferences, to show the web page of claim 11.

That is inconsistent with the PTO's interpretation of claim 10.

Point 2

As explained above, the PTO is, in effect, asserting that the "preferences" are contained in the "message." Applicant submits that this makes very little sense, and cannot be justified without further explanation.

RESPONSE TO 103 - REJECTIONS OF CLAIMS 3 AND 4

Claims 3 and 4 were rejected as obvious, based on Javascript and Nehab.

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Nehab Reference

Nehab states that, while the Internet contains web pages which report news, one cannot use these web pages like a newspaper. One cannot, for example, immediately jump to the "sports page" in a web page. Nehab provides a system for doing that.

Nehab's system "watches" a user, as the user calls up a web page, and then navigates to a favorite sub-page (eg, the "sports page"). Nehab's system then memorizes the sequence of mouse clicks. The user can later re-play those mouse clicks, to rapidly reach the "sports page," as it were.

Problems with Combination

Rejection of Claim 3 is Contrary to Rejection
Of Parent Claim 1

Claim 3 recites:

3. Method according to claim 1, wherein the first background research comprises contacting another web site.

The PTO apparently finds the claimed "web site" in Nehab. However, in rejecting parent claim 1, the PTO asserted that the "first background research" was found when a web site looked up a name stored in a cookie.

How can that cookie-look-up now be found in Nehab's direct route to the "sports page" ? Where is the cookie which contains

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the name to be looked up ?

Further, in Nehab, an individual user navigates to a web site, and, once there, gets routed directly to the "sports page." But an individual user cannot gain access to any cookies at that web site. How could he do it ?

Therefore, the rejection is contrary to the PTO's rejection of parent claim 1. A certain element of claim 1 was supposedly found in the process of looking up a name in a cookie. Now the PTO asserts that the element, as elaborated by claim 3, is found in Nehab's rapid navigation-to-the-sports-page (as it were) .

But now no cookie is looked up. Nehab's users have no access to cookies.

Performing Background Research at Nehab's Web Site
Not Shown

Claim 3 does not recite merely contacting a web site, but that "the first background research comprises contacting another web site." The "background research" is performed on "the first visitor" under the language of claim 1.

Nowhere has the PTO shown any performance of "background research" in Nehab. Nor has the PTO shown any subject matter in Nehab which would contain material which would be consulted in performing "background research" on a visitor.

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No Teaching Given for Combination I

The rationale given on page 8, section 13, end of second paragraph has not shown how claim 3 is attained from the combination of references. That rationale merely asserts that it is obvious to combine the two references, but fails to state what is obtained from the combination.

No Teaching Given for Combination II

The rationale sets forth a few goals. However, those goals appear to be attained by Nehab, by himself. Thus, there is no reason to combine the references to attain the goals.

Restated, if Nehab, by himself, attains the goals, then why is Javascript needed ?

Thus, the goals do not suggest combination of the references.

Claim 4

The preceding applies to claim 4. Further, claim 4 states that the same web site is contacted for BOTH "background researches." The Office Action has not shown that, and fails to assert that the combined references show that.

MPEP § 2143.03 states:

To establish prima facie obviousness . . . all the claim limitations must be taught or suggested by the prior art.

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RESPONSE TO 103 - REJECTION OF CLAIMS 7 AND 12

Claim 7 was rejected as obvious, based on Javascript and Landan. Claim 7 recites:

7. Method according to claim 5, wherein the message comprises an electronic mail message.

No Teaching Given for Combining References

The Office Action asserts that Landan shows sending "reports" via e-mail, and thus, presumably, asserts that Landan shows claim 7.

However, the rationale given for combining the references is that Landan teaches rapid notification of system administrators, when a problem occurs in a web site.

This rationale has no logical connection with the e-mail reports of Landan. Thus, it does not lead to claim 7.

Further, this rationale does not show how claim 7 is obtained when the references are combined.

Further still, this rationale merely sets forth a goal of Landan, which Landan, by himself, attains. There is no reason to add Javascript to attain that goal, nor does statement of the goal lead to a prompting to combine the references.

This applies to claim 12.

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RESPONSE TO 103 - REJECTION OF CLAIM 13

Claim 13 was rejected as obvious, based on Doyle. Claim 13 recites:

13. A method of operating a web site, comprising:
 - a) receiving an inquiry from a visitor to the web site;
 - b) making an estimate of selected characteristics of the visitor;
 - c) asking the visitor whether customer-specific information is desired and, if so, deriving customer-specific information based on the estimate;
 - d) based on the inquiry, selecting second information from the collection; and
 - e) compiling the first and second information into a message, and transmitting the message to the visitor.

Claim 13(c) has not been identified in the reference, nor even asserted to be present. MPEP § 2143.03, set forth above, prohibits the rejection for that reason.

The Office Action admits that claim 13(d) and (e) are absent from Doyle. That absence also violates this MPEP section.

The Office Action asserts that the absence of claims 13(d) and (e) can be cured by arguing that it is "obvious" to perform the actions recited in those two claim passages. However, that assertion still contradicts the MPEP section in question. The claim elements still must be shown in the prior art.

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In addition, the rationale given as to why adding the two claim passages to Doyle would be obvious is defective. The rationale, in essence, is that the addition would save time. However, no evidence has been given as to why this addition would actually save time. The assertion is a naked conclusion.

Also, the law of obviousness requires that a "likelihood of success" be shown. (See MPEP § 706.02(j), "Contents of a 35 U.S.C. 103 Rejection.") The rationale of the Office Action states that a collection of information "of interest to the user" should be examined, and a subset of that collection be transmitted to the user (to save time).

However, no selection criteria have been set forth for choosing what to include in the subset. Thus, no likelihood of success has been shown.

re: ADDED CLAIMS

The PTO relies on user preferences (such as preferences on how documents should be displayed) to show some of the claimed "information" in the parent claims of the added claims.

However, those preferences themselves are not shown to the user in Javascript. Those preferences relate to modes of displaying information, but are not themselves displayed.

Added claims 14 - 18 make clear that the information is made visible to the user.

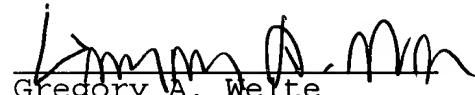
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CONCLUSION

Applicant requests that the rejections to the claims be reconsidered and withdrawn.

Applicant expresses thanks to the Examiner for the careful consideration given to this case.

Respectfully submitted,



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ATTACHMENT: New Declaration (3 pages)

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APPENDIX - LISTING OF ALL PENDING CLAIMS

1. (Currently amended.) A method of operating a web site, comprising:

- a) identifying a first visitor to the web site;
- b) performing first background research on the first visitor;
- c) based on the background research, selecting first information from a collection of information; and
- d) transmitting the first information to the first visitor.

2. (Original.) Method according to claim 1, and further comprising:

- e) identifying a second visitor to the web site;
- f) performing second background research on the second visitor;
- g) based on the second background research, selecting, from the collection of information, second information which is different from the first information; and
- h) transmitting the second information to the second visitor.

3. (Original.) Method according to claim 1, wherein the first background research comprises contacting another web site.

4. (Original.) Method according to claim 2, wherein the second background research comprises contacting said other web site.

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5. (Original.) A method of operating a web site, comprising:
 - a) receiving an inquiry from a visitor to the web site;
 - b) estimating whether the visitor possesses selected characteristics;
 - c) based on the estimate, selecting first information from a collection of information;
 - d) in response to the inquiry, selecting second information; and
 - e) compiling the first and second information into a message, and transmitting the message to the visitor.

6. (Original.) Method according to claim 5, wherein the message comprises a web page.

7. (Original.) Method according to claim 5, wherein the message comprises an electronic mail message.

8. (Currently amended.) Method according to claim 5, wherein the selected characteristics comprise the specific identity of the visitor.

9. (Original.) Method according to claim 8, wherein the selected characteristics contain no characteristics in addition to the specific identity of the individual.

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10. (Original.) A method of operating a web site, comprising:

- a) receiving an inquiry from a visitor to the web site;
- b) ascertaining identity of the visitor;
- c) based on the identity, deriving visitor-specific information;
- d) based on the inquiry, deriving response information; and
- e) compiling the visitor-specific information and the response information into a message, and transmitting the message to the visitor.

11. (Original.) Method according to claim 10, wherein the message comprises a web page.

12. (Original.) Method according to claim 10, wherein the message comprises an electronic mail message.

13. (Currently amended.) A method of operating a web site, comprising:

- a) receiving an inquiry from a visitor to the web site;
- b) making an estimate of selected characteristics of the visitor;
- c) asking the visitor whether customer-specific information is desired and, if so, deriving customer-specific information from

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a collection of information based on the estimate;

 d) based on the inquiry, selecting second information from the collection; and

 e) compiling the first customer-specific information and the second information into a message, and transmitting the message to the visitor.

14. (New.) Method according to claim 1, wherein the first information is made visible to the first visitor.

15. (New.) Method according to claim 2, wherein the second information is made visible to the second visitor.

16. (New.) Method according to claim 5, wherein the first and second information are made visible to the visitor.

17. (New.) Method according to claim 10, wherein the visitor-specific information and the response information are made visible to the visitor.

18. (New.) Method according to claim 13, wherein the first and second information are made visible to the visitor.